

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DONNA FIKE,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-2981
	:	
GLOBAL PHARMA HEALTHCARE	:	
PRIVATE, LTD; EZRICARE, LLC;	:	
AMAZON.COM, INC.; and EZRIRX, LLC,;	:	
Defendants.	:	

ORDER

AND NOW, this 18th day of July, 2024, for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT:**

1. Amazon's Motion to Dismiss, ECF No. 22, is **GRANTED in part and DENIED in part** as follows:
 - A. To the extent the strict products liability and negligence claims (Counts I and III) are premised on a post-sale duty to recall they are dismissed in limited part as to Amazon. Paragraphs 55(r), 71(q), and 75(c) of the Amended Complaint are stricken as to Amazon.
 - B. The misrepresentation claim in Count IV is dismissed with prejudice as to Amazon.
 - C. The breach of express warranty claim in Count V is dismissed with prejudice as to Amazon.
 - D. The punitive damages claim in Count IX is dismissed with prejudice as to Amazon.
 - E. The motion is otherwise denied.

2. **Within fourteen (14) days of the date of this Order**, Amazon shall file an answer to the Amended Complaint, including any crossclaims. *See* Fed. R. Civ. P. 12(a)(4)(A).
3. As outlined in the Opinion, an Order on the remaining motions to dismiss, *see* ECF Nos. 23, 24, 34, will be issued once the Answer is filed.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge